

Message Text

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PAGE 01 STATE 009048
ORIGIN EB-08

INFO OCT-01 ARA-10 ISO-00 FMC-01 /020 R

DRAFTED BY EB/TCA/MA:JAPURNELL:EW
APPROVED BY EB/TCA:JWBILLER
ARA/CEN:WMATHEWS (DRAFT)
FMC: BKEHOE (PHONE)
ARA/ECP:DTAHER (DRAFT)
EB/TCA/MA:CTAYLOR, JR.

-----001230 122252Z /66

O 122226Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY GUATEMALA IMMEDIATE

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E.O. 11652:

TAGS: EWWT, GT

SUBJECT:FMC VOTES EQUALIZING FEES ON CARRIERS FAVORED BY
DECREE 41/71

REF: A) 77 GUATEMALA 8749, B) 77 STATE 300302

1. AT A SPECIAL MEETING JANUARY 12, THE FEDERAL MARITIME COMMISSION DENIED PETITIONS BY FLOMERCA, ARMAGUA, AND PAN AMERICAN MAIL LINE TO SUSPEND THE EFFECTIVE DATE OF ITS EQUALIZING FEES UNTIL FEBRUARY 20. THE EQUALIZING FEES WILL ENTER INTO EFFECT ON JANUARY 13 AS SCHEDULED.

2. HOWEVER, THE COMMISSION VOTED TO AMEND ITS RULE SO THAT IF WAIVERS ARE GRANTED BY GUATEMALA FOR ANY PARTICULAR CLASS OF CARGO, BE IT GENERAL CARGO, CONTAINERIZED CARGO, OR CARGO FROM ANY PARTICULAR U.S. PORT OR PORT RANGE, THE LIMITED OFFICIAL USE

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FMC WILL REFUND EQUALIZING FEES IMPOSED ON FAVORED CARRIERS FOR CARRIAGE OF ANY CARGO OF THE SAME CLASS. THE AIM OF THIS AMENDMENT IS TO PLACE SQUARELY ON THE GUATEMALANS THE BURDEN FOR TRIGGERING AN EQUALIZING RESPONSE BY THE FMC.

3. FMC CHAIRMAN NOTED THAT WAIVERS HAD BEEN GRANTED TO

NON-FAVORED CARRIERS UNTIL RECENTLY, INCLUDING TO DELTA

STEAMSHIP LINES. IF GUATEMALAN LAW DID NOT PERMIT ISSU-
ANCE OF A BLANKET WAIVER, THE FMC WOULD SUSPEND ITS
SANCTIONS IF IT RECEIVED ASSURANCES FROM THE GOG THAT
WAIVERS WOULD BE GRANTED TO NON-FAVORED CARRIERS DURING
THE INTERIM PERIOD FOR EACH VOYAGE.

4. REPORTER WHO COVERS MARITIME AFFAIRS FOR THE JOURNAL
OF COMMERCE WAS PRESENT AT MEETING. DEPARTMENT WILL
KEEP EMBASSY APPRISED OF PRESS TREATMENT IN U.S., AND
REQUESTS THAT EMBASSY REPORT ON PRESS OR OTHER PUBLIC
TREATMENT IN GUATEMALA, AS WELL AS PRIVATE REACTION OF
GOG AND OTHER INTERESTED PARTIES.

5. FMC INTERNATIONAL AFFAIRS OFFICER IS CALLING ON
AMB. LAMPORT JANUARY 13 TO DELIVER A COPY OF FINAL
RULE, AS AMENDED, AND TO TREAT IN DETAIL FMC REQUIRE-
MENTS FOR LIFTING ITS SANCTIONS. EMBASSY SHOULD NOT
RPT NOT ENTER INTO DETAILED DISCUSSIONS AT THIS TIME
OF THIS COMPLICATED LEGAL ISSUE, BUT MAY INFORM GOG
THAT FINAL RULE AS AMENDED WILL ENTER INTO EFFECT ON
JANUARY 13. CHRISTOPHER

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Message Attributes

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Draft Date: 12 jan 1978
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 20 Mar 2014
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